



**CITY OF TUCSON DEVELOPMENT SERVICES**  
**PERFORMANCE BOND FOR GRADING/RESEEDING AND HAZARD ABATEMENT**

PROJECT # \_\_\_\_\_ BOND # \_\_\_\_\_ DATE \_\_\_\_\_

This Performance bond is provided to obtain approval of a permit for grading at the Premises identified as \_\_\_\_\_ . The grading and other associated work on the Premises are referred to as "the Work".

The name, address and telephone number of contractor or party responsible for the Work, who is referred to in this Performance bond as "Principal" is: \_\_\_\_\_

The Surety assuring Principal's performance of the Work under this performance bond, who is referred to in this performance bond as "Surety", is

Name: \_\_\_\_\_ Address: \_\_\_\_\_

City/State/ZIP \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_ organized and existing under the state laws of the State of \_\_\_\_\_.

(Initial the box corresponding to whichever of the two following provisions applies)

\_\_\_\_\_  
Initials      Principal is the owner of the Premises, and hereby expressly grants the City of Tucson a right of entry onto the Premises, if necessary, to bring the Work into conformance with the requirements of this Bond.

\_\_\_\_\_  
Initials      Principal has received an express delegation of authority from the owner of the Premises and, pursuant to that delegation, Principal hereby (1) represents that Principal is authorized to do the Work and (2) expressly grants the City of Tucson a right of entry onto the Premises, if necessary, to bring the Work into conformance with the requirements of this Bond.

To secure and assure performance of the obligations described in this performance bond, Principal and Surety are duly and firmly bound unto the City of Tucson in the sum of \_\_\_\_\_ . (\$ \_\_\_\_\_ ).

Principal has applied for a grading permit for the Premises. Principal shall comply with the requirements of City of Tucson codes that apply to the Work authorized by this grading permit. Principal shall also comply with all rules, regulations and requirements lawfully promulgated under those codes regulating the issuance, termination, and revocation of the grading permit.

This performance bond is provided to help assure that if the Work is not completed in accordance with the approved plans or abandoned, the site will be stabilized and any hazardous conditions eliminated. The bond amount will be based on an engineer's estimate or construction bid for clearing/grubbing and/or grading, SWPPP controls, reseeding, storm water systems and/or Hazard Abatement as shown on the attached worksheet known as "Bid Worksheet for Project Valuation", to be completed by the Principal or the Principal's agent. If the City of Tucson determines that Principal has failed to comply with these requirements, the City of Tucson shall notify Principal and the Surety assuring Principal's performance, that it intends to, and after such notice may, withdraw and use that amount of the performance bond necessary to bring Principal's work into conformance with these requirements.

The City of Tucson shall hold this performance bond until the Building Official gives final approval of the work in accordance with all applicable codes and standards in effect. If prior to that time any of the following events occurs, this performance bond shall be automatically extended and retained by the City of Tucson until Principal's default is cured or until final disposition of all legal actions and claims, whichever occurs last:

- The City of Tucson notifies Surety of Principal's default.
- A legal action or claim is filed relating to this performance bond.

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- The City of Tucson notifies Surety that it reasonably believes there is an impending legal action or claim relating to this performance bond.

Notice to Surety shall be sufficient if mailed or hand delivered to Surety's address inserted where indicated above. This performance bond shall neither be void nor terminate upon Surety's payment of claims totaling less than the full amount of this bond, but may be used and recovered upon from time to time until the full amount of this bond is exhausted.

The City of Tucson, at its discretion, may consider bond amount reductions.

This performance bond is for the benefit of the City of Tucson and any person damaged as a result of any violation of the applicable technical codes or Development Standards 11-01.2.3.A-C and/or 11-01.6.1.

Principal and Surety and their heirs, personal representatives, successors, and assigns are jointly and severally liable for and bound by the obligations described in this performance bond.

IN WITNESS WHEREOF the Principal and Surety have duly executed this performance bond this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

"PRINCIPAL":

"SURETY":

Corporate name here: leave blank if not incorporated

By: \_\_\_\_\_  
Signature of Principal or authorized agent

By: \_\_\_\_\_  
Signature of attorney-in-fact  
Surety Signer's Name

\_\_\_\_\_  
Print name or signer

\_\_\_\_\_  
Print name of signer

Its: \_\_\_\_\_  
Title of signer

Its: \_\_\_\_\_  
Title of signer  
(Power of attorney must be attached)

STATE OF ARIZONA )  
County of Pima )

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Printed name of signer, and if signing on behalf of a corporation, insert "(signer's title) of (name of corporation), on behalf of the corporation.

My commission expires: \_\_\_\_\_  
Notary Public

STATE OF ARIZONA )  
County of Pima )

The foregoing performance bond was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ by Surety Signer's Name, the Attorney-In-Fact for Surety Name a corporation organized and existing under the laws of the State of state where surety is incorporated and duly authorized to transact surety business in the State of Arizona.

My commission expires: \_\_\_\_\_  
Notary Public

Form approved this 16<sup>th</sup> Day of March, 2009.

City Attorney: Mike Rankin  
(Form with original signature of approval is on file in the City Clerk's Office.)

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BOND # \_\_\_\_\_ PROJECT # \_\_\_\_\_

